

April 21, 1934

Mr. Merril H. Larsen,
Attorney-at-Law,
Duchesne, Utah
RE : GENERAL
Dear Sir:

This will acknowledge receipt of your letter of April 17 in which you say there are 2 canals in Duchesne County, - namely Harper and Fruitland, the owners of which need assistance in the division of water.

In section 100-5-9, Revised Statutes of Utah 1933, the following appears:

"When 2 or more persons, joint owners in an irrigation ditch or reservoir, are unable to agree as to the division and distribution of water received through their ditch or from their reservoir, 25% of such owners may apply in writing to the state engineer setting forth such fact and asking him to take care of such ditch or reservoir for the purpose of making a just division or distribution of the water from the same to the parties entitled to the use thereof....."

In the case of the parties mentioned, if 25% of such owners make a request as provided in the above, I will be glad to do what I can in arranging for a division. It will be necessary to send a man into Duchesne County to look over the situation and after determining the rights of the parties involved, place some responsible person to act for me in making the division. The expense involved for the water master to carry out the State Engineer's orders in the division referred to, would of necessity have to be paid by the water users themselves. Unless the expense involved in making the trip to Duchesne County is more than I anticipate, said expense would be absorbed.

STATE ENGINEER
T.H. Humpherys,

Yours very truly,

As the funds of this office now stand, I haven't money with which to build a headgate or any other structure and it such were required, the money would of necessity have to be advanced by the water users. I would assume however, to completely place in a letter against the lands for the amount with the law in placing a letin against the lands for the company involved.

State Engineer has in 2 instances installed expensive headgates and in one case placed a letin upon the land, but until this time not a single dollar has been returned. The law therefore, is incomplete or it hasn't "teeth" to cope with the situation.

In several cases but without success in a single case. The action under this provision of the law has been instituted in several cases but without success in a single case. The State Engineer has in 2 instances installed expensive headgates and in one case placed a letin upon the land, but until this time not a single dollar has been returned. The law therefore, is incomplete or it hasn't "teeth" to cope with the situation.

"When it may be necessary for the protection of other water users, the state engineer has authority to require plumes to be installed along the line of any reservoirs which refuse or neglect to construct and maintain such headgates, plumes or measures of measurement after 30 days notice to do so by the state engineer, it shall be the duty of the state engineer to construct or cause to be constructed such structures or devices and the cost of the same shall be a letin against the lands and water rights served thereby."

Utah 1953 which reads in part as follows:

Attention is called to Section 100-5-4, Revised Statutes of Utah 1953 which reads in part as follows:

In regard to the construction of the headgate, your attention is called to Section 100-5-4, Revised Statutes of Utah 1953 which reads in part as follows:

"When it may be necessary for the protection of other water users, the state engineer has authority to require plumes to be installed along the line of any reservoirs which refuse or neglect to construct and maintain such headgates, plumes or measures of measurement after 30 days notice to do so by the state engineer, it shall be the duty of the state engineer to construct or cause to be constructed such structures or devices and the cost of the same shall be a letin against the lands and water rights served thereby."